#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Suyker, et al.

Group Art Unit:

Application No.: Not Yet Assigned

Not Yet Assigned

Examiner:

Filing Date: Filed Herewith : Not Yet Assigned

Attorney Docket No.:

For: Mechanical Anastomosis System for Hollow

Structures

: DVME-03USDIV4

# INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97((b)(1)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and 1.97(b)(1), Applicants bring to the attention of the Examiner the documents listed on the attached Substitute Form PTO 1449. As this Information Disclosure Statement is being filed before the issuance of the first Office Action, no fee is due for this submission.

However, if any fee is due, the Commissioner is authorized to charge Deposit Account No. 50-0462. Moreover, please credit any overpayment to Deposit Account No. 50-0462.

### **CERTIFICATE OF MAILING UNDER 37 C.F.R.§1.8**

I certify that this document, along with any document referred to as being attached, is being deposited with the U.S. Postal Service on as first class mail under 37 C.F.R. §1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Correspondence

The references cited on the attached Substitute PTO 1449 were previously cited in U.S. Patent Application No. 10/162,261, which is a parent of the present application. Copies of the patent references can be found in that parent application. For the Examiner's convenience, copies of the non-patent references are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Substitute PTO 1449 form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determined that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Respectfully submitted,

Date: 3/12/2004

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	Docket Number (Optional)	Application Number
	DVME-1003UV2	10/405,676
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	Filing Date	Group Art Unit
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				U.S. PATEN	T DOCUMENTS					
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	AA	5,839,639	11/24/1998	Sauer, et.a	ıl.					
	AB	5,951,576	09/14/1999	Wakabaya	ishi					
	AC	5,177,112	01/05/1993	Horn						
	AD	5,256,661	10/26/1993	Horn						
	AE .	6,602,263	08/05/2003	Swanson						
	Af	6,485,496	11/26/2002	Suyker, et.	al,					
				FOREIGN PA	ATENT DOCUMENT	s				
	REF	. DOCUMENT NUMBER	DATE		COUNTRY	CLASS	SUBCLASS	Trans YES	slation NO	
	BA	WO 99/21491	06.05.99	PCT						
	вв	WO 99/38454	05.08.99	PCT						
	вс	WO 00/27313	18.05.00	PCT						
	BD	WO 98/55027	10.12.98	PCT						
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List of Par	tents ar	ad Publications				•	•
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(Use sever	al shee	ts if necessary)					
U.S. Depar	rtment	of Commerce					
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		•		Docket No.		Serial 1	
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U.S. Patent	Docun						<del></del>
Examiner		Document	Date	Name	Cla	ass	Subclass
Initial	AA	No.	Jun. 13, 2000	Berg et al.	623	-	1
	AB	6,066,148	May 23, 2000	Rygaard	606		153
	AC	5,976,178	Nov. 2, 1999	Goldsteen et al.	623		1
	AD	5,931,842	Aug. 3, 1999	Goldsteen et al.	606		108
	AE	5,695,504	Dec. 9, 1997	Gifford III et al.	606		153
	AF	5,833,698	Nov. 10, 1998	Hinchliffe et al.	606		153
	AG	5,707,380	Jan. 13, 1998	Hinchliffe et al.	606		163
	AH	5,397,355	Mar. 1995	Marin et al.	623		1.2
							898
<u> </u>	AI	5,397,345	Mar. 1995	Lazarus	128		<u> </u>
Foreign Pate	1		Mar. 1995	Lazarus			
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Examiner nitial	AJ	Document No.  19542733  WO 95/17127	Date   Jul. 1997   Jun. 1995	Country	Tra YE	S	NO
Examiner nitial	AJ	Document No.  19542733  WO 95/17127	Date   Jul. 1997   Jun. 1995	Country  Germany  PCT	Tra YE	S	NO

FORM P	TO-14	49 Modified		Sheet 2	of 2	•	
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		t of Commerce					
Patent and	d Trad	emark Office		Docket No. DVME-3USDIV	71	Serial 1 10/162	
			·	Applicants: Suyker et al.			
				Filing Date Jun. 4, 2002		Group 3732	
U.S. Paten	t Docu:	Document Document	Date	Name	Cla		Subclass
Examiner Initial		No.	Date	1421116	Cia	.33	Dubeiass
11111111	BA	5,868,763	Feb. 1999	Spence et al.	606		153
	BB	5,797,933	Aug. 1998	Snow et al.	606	-	151
	BC	5,387,235	Feb. 7, 1995	Chuter	623		1
	BD	4,368,736	Jan. 18, 1983	Kaster	128		334
	BE	5,562,690	Oct. 8, 1996	Green et al.	606		154
	BF	4,872,874	Oct. 10, 1989	Taheri	623		1
	BG	5,035,702	Jul. 30, 1991	Taheri .	606		153
	ВН	5,234,447	Aug. 10, 1993	Kaster et al.	606		153
	BI	4,681,110	Jul. 21, 1987	Wiktor .	128		343
	ВН	3,657,744	Apr. 25, 1972	Ersek	3		1
	BJ	4,214,587	Jul. 29, 1980	Sakura	128		334
	BK	5,104,399	Apr. 14, 1992	Lazarus	623		1
Foreign Pat	ent Do	cuments					
Examiner pitial		Document No.	Date .	Country	Tran YES	slation	NO
	BL	2822603	Nov. 1979	Germany	X-Ab only	stract	
	ВМ	WO 89/08433	Sep. 1989	PCT			

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ATTY DOCKET NO.	SERIAL NO.
DVME- JS	09/708,617
Suyker, et al.	
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			Ł	J.S. PATENT	DOCUMENTS				<del></del>
EXAMINER INITIAL		DOCUMENT NUMBER DATE			NAME	CLASS	SUBCLASS	FILING DATE	
	AA	5,695,504	12/9/97	Gifford,	III et al.				
	AB	5,732,872	3/31/98	Boldue et al.			·		
	AC	6,066,148	5/23/00	Rygaard					
	AD	5,976,176	11/2/99	Webb, II	· ·				
	AE	5,931,842	8/3/99	Goldsteer	ı et al.				
	AF	6,074,416	6/13/00	Berg et al	•				
	AG	5,387,235	2/7/95	Chuter -					
	АН	.5,104,399	4/14/92	Lazarus	1				
	AI	4,214,587	7/29/80	Sakura, Ji					
	AJ	3,657,744	4/25/72	Ersek					
	AK	5,234,447	8/10/93	Kaster et a	nl. •				
		·	FORE	GN PATENT	DOCUMENTS				
		DOCUMENT NUMBER	DATE		COUNTRY	CLASS	SUBCLASS	TRANS YES	NO
I	BÀ.	WO 89/08433	21.09.89	PCT	· ·	-	:		
E	зв	DE 28 22 603 A1	24.5.78	Germany					<b>V</b>
B	C	EP 0 539 237 A1	26.10.92	European F	Patent Convention				
В	D	DE 195 42 733 A1	16.11.95	Germany					<b>y</b>
В	E	EP 0 820 724 B1	15.07.97	European P	atent Convention				
		OTHER DOCUMENT	s (Including	Author, Titl	le, Date, Pertinent Pa	ages, Etc.)			
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# INFORMATION DISCLOSULE CITATION (Use several sheets if necessary) Suyker, et al. FILING 11/9/00 SERIAL NO. 09/708,617 Suyker, et al. FILING 11/9/00 3731 U.S. PATENT DOCUMENTS

EXAMINER		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING D	
NITIAL	AL 4,681,110		7/21/87	Wiktor			IF APPR	DPRIATS
	AM	4,872,874	10/10/89	Taheri				
	AN	5,035,702	7/30/91	Taheri		-	1	<del></del>
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS		SLATION
В	6	EP 0 820 725 B1	23.07.97	European Patent Convention			YES	N
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ВС		WO 95/17127	29.06.95					
BI		EP 0 885 595 A1	16.06.98	European Patent Convention				
BI			14.05.98	rcı				
ВЈ		WO 98/47430	29.10.98	PCT				
		OTHER DOCUMEN	rs (Includii	ng Author, Title, Date, Pertinent P	eges, Etc.) ———			
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# INFORMATION DISCLOSURG CITATION (Use several sheets if necessary)

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вк	WO 98/19608	14.05.98	PCT					
BL	WO 98/19618	14.05.98	PCT					
ВМ	WO 98/19629	14.05.98	PCT					
BN	WO 98/19630	14.05.98	PCT					
во	WO 98/5027	10.12.98	PCT					
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Patent and Trademark Office \* U.S. DEPARTMENT OF COMMERCE

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вР	WO 98/19631	14.05.98	PCT							
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	WO 98/19632	14.05.98	PCT							
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				U.S. PATENT DOCUMENTS				
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5,839,639	11/24/1998	Sauer				
	AB	5,951,576	09/14/1999	Wakabayashi				
	AC	5,177,112	01/05/1993	Horn				
	AD	5,256,661	10/26/1993	Horn				
	AE	6,602,263 B1	08/05/2003	Swanson				
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		-		FOREIGN PATENT DOCUMEN	TS	,		
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES NO	
В	A	WO 99/21491 A1	22.10.98	PCT				
В	В	WO 99/38454 A2	18.12.98 05.11.99 05.05.98	PCT PCT				
В	c ·	WO 00/27313 A3						
В	D	WO 98/55027 A3						
В	E	WO 98/55027 A2	05.05.98	PCT				
		,		OTHER DOCUMENTS (Includ	ing Author, Title, Da	te, Pertinent Pag	es, Etc.)	
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Form PTO-A820 (also form PTO-1449)

Cited by Ar	nts and	Publications		Sheet l of			
U.S. Department of Commerce Patent and Trademark Office				Docket No. Serial No. DVME-03USDIV3 10/405,676			
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U.S. Patent	Docum	ents		1			
Examiner	T	Document	Date	Name	Class	Subclass	
Initial		No.	10 1005	r::::::	227/19	128/334	
1	AA	4,505,414	Mar. 19, 1985	Filipi Resnick et al.	128/334	227/19	
	AB	4,700,703	Oct. 20, 1987	Kaster et al.	606/153	606/151	
s-der-jPgg188	AC	5,234,447	Aug. 10, 1993  Dec. 9, 1997	Gifford, III et al.	606/153	606/139	
25.00	AD	5,695,504		Bolduc et al.	227/176.1	227/19	
	AE	5,732,872	Mar. 31, 1998 Nov. 2, 1999	Bolduc et al.	606/142	606/104	
4-63447	AF	5,976,159	Nov. 2, 1999 Mar. 14, 2000	Bolduc et al.  Bachinski et al.	606/153	623/1	
27	AG	6,036,702	Jun. 13, 2000	Berg et al.	623/1	623/12	
R.	AH	6,074,416	Dec. 5, 2002	Swanson et al.	606/153		
	AI		Dec. 3, 2002	S. vanoon et al.			
Foreign Pa	tent Do	Document	Date	Country	Translation		
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	AA	5,177,112	1/15/93	Ноги	514/654	514/114		
	AB	5,256,661	10/26/93	Horn	514/248	514/249		 
	AC	5,397,345	3/14/95	Lazarus	623/1	606/153		
	AD	5,397,355	3/14/95	Marin et al	623/12			
	AE	5,868,763	2/9/99	Spence et al	606/153	606/139		
	AF.	5,797,933	8/25/98	Snow et al	606/151	606/191		
<u>.</u>	AG	6,602,263	8/5/03	Swanson et al	606/153	606/139		
	AH	6,485,496	11/26/02	Suyker et al	606/153	606/139		
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	REF DOCUMENT NUMBER		DATE	COUNTRY	CLASS	SUBCLASS	Transi	slation NO
		WO 00/27313	May 2000	International			1.50	J.
		WO 98/55027	Dec. 1998	International	-			J
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	+	Werker et al, "Review of	Facilitated Appressity Hospital U	roaches To Vascular Anastomosis St Itrecht, Utrecht, the Netherlands, 19	Jurgery", Departi 1997: 63:5127	nent of Plastic,	REconstr	ructive

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DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.